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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,004	04/27/2006	Michael Freimuth	32860-000906/US	6153
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EXAMINER CHEN, XIAOLIANG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,004

Applicant(s)

FREIMUTH ET AL.

Examiner

XIAOLIANG CHEN

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08-18-08 has been entered.

Amendment

2. Acknowledgement is made of Amendment filed 08-18-08.
3. Claim 15 is amended.
4. Since applicant had not filed a Terminal Disclaimer, as required by the examiner in the final office action, the Double Patenting rejections of claims 1-25 stand.

Response to Arguments

5. Applicant's arguments with respect to claim 15 have been considered but are moot by arguing the new amended part, See the new detailed rejection below.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 15, 16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eggert et al. (US5629831).

Re claim 15, Eggert et al. show and disclose

A modular device, comprising:

at least one housing (2, fig. 2) including a plurality of predetermined module locations (fig. 2);

at least one coding device (recesses 28, [col. 11, line 42]) arranged on a surface of the housing, the at least one coding device being connectable to an opposing coding device (recesses 28 which receive catch hooks 17 [col. 11, line 42]).

at least one electrical contact (terminal on the printed circuit board 4a [col. 13, line 17], fig. 6) protruding from the surface of the housing, the at least one contact being connectable to at least one opposing contact (plug in terminal 11, fig. 6) adapted to make transversely make contact with respect to a longitudinal side of the at least one contact (the terminals on the printed circuit boards that engage the plug-in terminals 11 [col. 13, line 36], fig. 6).

Re claim 16, Eggert et al. show and disclose

The modular device as claimed in claim 15, further comprising at least one of an electrical, electromagnetic and electronic device unit (modular control circuit [Title]).

Re claim 20, Eggert et al. show and disclose

The modular device as claimed in claim 15,

wherein the at least one coding device includes, individually per module location, a recess formed (recesses 28, [col. 11, line 42]) by housing sections, and the opposing coding device (catch hooks 17 [col. 11, line 42]) includes a bracket element (fig.1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21, 18-19 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggert et al. in view of Innes et al. (US5652420).

Re claim 21, 18-19 and 22 Eggert et al. show and disclose

The modular device as claimed in claim 15, further comprising:

connection modules (terminal block assembly 3 [claim 3]), arrangeable at the module locations, and each provided with a connection device (including a plurality of generally-rectangular terminal blocks [claim 3])

Eggert et al. does not disclose

the connection device for connecting a line thereto; at least one of the connection modules is of a multi-pole design; each respective connection device includes at least one of a screw terminal, a spring-loaded terminal and an insulation displacement contact; at least one latch, at at least one of the module locations and at least one opposing latch on at least one of the connection modules, to respectively provide module location-specific locking and unlocking; Innes et al. teaches a device wherein

the connection device for connecting a line thereto (line terminals 19, 21, 23 [col. 4, line 7]); at least one of the connection modules is of a multi-pole design (three pole contacts [col. 4, line 8]); each respective connection device includes at least one of a screw terminal (screw terminal, fig. 1), a spring-loaded terminal and an insulation displacement contact; at least one latch (104, [col. 5, line 53]), at at least one of the module locations and at least one opposing latch (slot 107 [col. 5, line 53]) on at least one of the connection modules, to respectively provide module location-specific locking and unlocking (projecting portion 104 snaps into position in a corresponding slot 107 [col. 5, line 54]);

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the connection device as taught by Innes et al. in the electronic device of Eggert et al., in order to connect the device to the three pole line more conveniently.

Re claims 23-24, Eggert et al. show and disclose

The modular device as claimed in claim 21, the opposing coding device and opposing contact,

Eggert et al. does not disclose

wherein the opposing coding device is arranged on at least one connection module; wherein the contact is arranged on at least one connection module.

Innes et al. teaches the connection module (see claim 21).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the opposing coding device and opposing contact as taught by Eggert et al. in the connection module of Innes et al., in order to connect the connection module to the device more and safely conveniently.

10. Claims 25 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggert et al.

Re claims 25 and 17, Eggert et al. show and disclose

The modular device as claimed in claim 15, further comprising:

a retaining device (1, fig. 1) the retaining device being coupleable to a bearing device; wherein the retaining device includes at least one spring-loaded and self-ringing latching element (the catch foot 9' to snap resiliently under the support rail 1 [col. 10, line 64]).

Eggert et al. does not disclose

the retaining device arranged on a surface of the housing,

However, Eggert et al. disclose the housing and the retaining device, Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to rearrange the retaining device on the surface of the housing, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. **Claims 1-25 are provisionally rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable **over claims 1-3, 7, 9, 10 and 15 of the pending Application No. 10542027**, Freimuth et al., US-

20060134956, (hereafter, as "the reference"), Although the conflicting claims are not identical, they are not patentably distinct from each other because

A) All the limitations in claim 1 of the instant application are met by the combination of claims 1, 7 and 9 of the copending application, except for the coding means, which teaches by Eggert et al. (see rejection in claim 15 above)

B) The limitation in claim 2 is the same as the limitation of claim 10 of the copending application.

C) The limitation in claim 3 is met by the limitation of claim 7 of the copending application.

D) Official Notice: For the limitation in claim 4, it is common that a connector having multi-pin connections.

E) All the limitations in claim 5 of the instant application are met by the combination of claims 7 and 15 of the copending application.

F) All the limitations in claim 6 of the instant application are met by the combination of claims 2 of the copending application and Eggert et al. (see rejection in claim 15 above).

G) The limitation in claim 7 is the same as the limitation of claim 9 of the copending application.

H) All the limitations in claim 8 of the instant application are met by the combination of claims 1 and 3 of the copending application.

I) The limitation in claim 9 is met by the limitation of claim 1 of the copending application.

J) The limitation in claim 10 is the same as the limitation of claim 2 of the copending application.

K) The limitation in claim 11 is the same as the limitation of claim 3 of the copending application.

L) The limitation in claim 12 is met by the limitation in claim 1 of the copending application.

M) The limitation in claim 13 is the same as the limitation of claim 2 of the copending application.

N) The limitation in claim 14 is the same as the limitation of claim 3 of the copending application.

O) The limitations in claim 15 of the instant application are met by the combination of claims 1, 7, and 9 of the copending application and Eggert et al. (see rejection above).

P) The limitation in claim 16 is the same as the limitation of claim 10 of the copending application.

Q) The limitation in claim 17 is the same as the limitation of claim 7 of the copending application.

R) The limitation in claim 18, teaches by Eggert et al. and Innes et al. (see rejection above).

S) The limitations in claim 19 of the instant application are met by the combination of claims 7 and 15 of the copending application.

T) The limitations in claim 20 of the instant application are met by the combination of claim 2 of the copending application and Eggert et al. (see rejection above).

U) The limitations in claim 21 of the instant application are met by the combination the copending application and Eggert et al. and Innes et al. (see rejection above).

V) The limitations in claims 21-24 of the instant application are met by the combination of claim 1 of the copending application and Eggert et al. and Innes et al. (see rejection above).

W) The limitations in claim 25 of the instant application are met by the combination of claim 1 of the copending application and Eggert et al. (see rejection above).

Allowable Subject Matter

13. Claims 1-14 will be allowable if a proper terminal disclaimer is filed.
14. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-14 will be allowable because the prior art of record neither anticipates nor renders obvious the limitations of base claim 1 in combination as claimed, including:

a coding means and opposing coding means, for providing module location-specific assignment; latching means at at least one of the module locations, opposing latching means on at least one of the connection modules,

respectively providing module location-specific locking and unlocking; and contact means, having a longitudinal side, for making contact with the opposing contact means, transversely with respect to the longitudinal side; connection modules, arrangeable at the module locations and each provided with a connection device for connecting a line thereto;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-20040106331 US-20020072266 US-6783403 US-6231400 US-6332812 US-5984734 US-6027379 US-6081048 US-5318461.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAOLIANG CHEN whose telephone number is (571)272-9079. The examiner can normally be reached on 7:00-5:00 (EST), Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800, ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dean A. Reichard/
Supervisory Patent Examiner, Art Unit 2841

Xiaoliang Chen
Examiner
Art Unit 2841